APPENDIX

Rule 12(b) (6)

Federal Rules of Civil Procedure, Rule 12(b), 28 U. S. C. A., following Section 723(c), so far as immediately material, reads as follows:

> "Every defense, in law or fact, to a claim for relief in any pleading, whether a claim, counterclaim, cross-claim, or third-party claim, shall be asserted in the responsive pleading thereto if one is required, except that the following defenses may at the option of the pleader be made by motion: (1) lack of jurisdiction over the subject matter, (2) lack of jurisdiction over the person, (3) improper venue, (4) insufficiency of process, (5) insufficiency of service of process, (6) failure to state a claim upon which relief can be granted. * * *"

Statute Authorizing Action

"Sec. 15. Suits by persons injured; amount of recovery. Any person who shall be injured in his business or property by reason of anything forbidden in the antitrust laws may sue therefor in any district court of the United States * * *, and shall recover threefold the damages by him sustained, and the cost of suit, including a reasonable attorney's fee." (15 U. S. C. A. §15, Oct. 15, 1914, c. 323, §4, 38 Stat. 731.)

Statutory Definitions of Terms

"Sec. 7. 'Person' defined. The word 'person,' or 'persons,' wherever used in section 1, 2, 3, or 15 of this chapter shall be deemed to include corporations and associations existing under or authorized by the laws of either the United States, * * * the laws of any State, or * * *" (15 U. S. C. A. §7, July 2, 1890, c. 647, §8, 26 Stat. 210).

"Sec. 12. Words defined. 'Antitrust laws,' as used in sections 12 to 27, inclusive, of this chapter, includes sections 1 to 27, inclusive, of this chapter.

" 'Commerce,' as used in sections 12 to 27, inclusive, of this chapter, means trade or commerce among the several States * * *.

"The word 'person' or 'persons' wherever used in sections 12 to 27, inclusive, of this chapter shall be deemed to include corporations and associations existing under or authorized by the laws of either the United States, * * * the laws of any State, or * * *" (15 U. S. C. A. §12, Oct. 15, 1914, c. 323, §1, 38 Stat. 730).

Anti-Trust Statute

"Sec. 1. Trusts, etc., in restraint of trade illegal; exception of resale price agreements; penalty. Every contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce among the several States, * * * is hereby declared to be illegal; * * *" (15 U. S. C. A. §1, July 2, 1890, c. 647, §1, 26 Stat. 209, as amended Aug. 17, 1937, c. 690, Title VIII, 50 Stat. 693).